

From: Malik Nash
To: Microsoft ATR
Date: 1/2/02 6:42pm
Subject: Microsoft Settlement

To Whom It May Concern:

The terms of the proposed settlement as they currently exist are far too lenient to provide an effective remedy to monopolistic practices by Microsoft. It completely fails to address the most egregious abuses committed by Microsoft. It leaves intact the most serious liabilities that competitors face when confronted with the Microsoft monopoly:

1. The inability of PC makers to fully customize the default appearance of the Windows "desktop" as well as the configuration of so-called "middleware" components.
2. The inability of independent software developers to obtain information on Microsoft APIs in a timely manner, and without entering into licensing agreements that would make it financially infeasible to develop products that are compatible with Windows.
3. The inability of small developers to feature their products on the Windows desktop.

In sum, Microsoft has exercised monopoly power not through the configuration of its own operating system, but rather through the domination of distribution channels, by using a combination of licensing arrangements, pricing schemes and discounts that are explicitly designed to prevent competing products from coming to market. Now, the Justice Department proposes to become complicit in Microsoft's abusive practices and perpetuate the company's ability to obfuscate and evade the law, leaving consumers and businesses with no reasonable prospect of seeing choice restored to the marketplace. Acceptance of the proposed settlement would be an unconscionable capitulation to unrestrained greed. I urge the Justice Department to uphold it's trust, and create an effective solution that will restore fair competition.

Sincerely,
Otha M. Nash
Columbia, SC